

**STATEMENT OF CHRISTINE HANSEN,
EXECUTIVE DIRECTOR, THE MILES FOUNDATION**

**Hearing on Sexual Assault and Violence Against Women in the Military and at the
Academies**

**Testimony Presented to The Honorable Christopher Shays, Chairman, Subcommittee on
National Security, Emerging Threats and International Relations
of the Government Reform Committee
within the United States House of Representatives**

June 27, 2006

EMBARGOED UNTIL RELEASED BY THE SUBCOMMITTEE

Introduction

Mr. Chairman and members of the Subcommittee, I am Christine Hansen, Executive Director of The Miles Foundation.

The Miles Foundation is a private, nonprofit organization providing comprehensive services to victims and survivors of interpersonal violence associated with armed forces; coordinating assistance, support, advocacy and networks for criminal justice professionals and human service providers; furnishing professional education and training to uniformed personnel and civilian community-based organizations; conducting research and analysis; serving as a resource center for policymakers, advocates, journalists, students, researchers and scholars; initiating community education campaigns; and serving to ensure that public policy is well-informed and constructive.

The Foundation has provided services to over 25,000 survivors of interpersonal violence associated with the armed forces including 14,000 survivors of intimate partner violence; approximately 7,500 survivors of sexual violence; nearly 3,500 victims of child abuse; 47 former or current cadets of the service academies; and 50 victims of human trafficking since 1996.

I am going to summarize my statement and ask that it be accepted into the record. First, I want to thank Chairman Shays, members of the Subcommittee and staff for providing a forum to review policy directives, training, investigations and programs authorized by Congress to address sexual assault and violence against women in the military and at the service academies. I plan to outline the ongoing nature of sexual violence, detail the challenges of policy development and implementation, and recommend a strategic plan to enhance the response of the military departments.

I want to acknowledge the work and support of numerous organizations dedicated to addressing sexual and domestic violence including the National Coalition Against Domestic Violence, National Network to End Domestic Violence, National Alliance to End Sexual Violence, National Organization for Women, Vietnam Veterans of America, National Military Family Association and Amnesty International. In addition, state coalitions are engaged in furnishing education, training and technical assistance to community based service providers including Wisconsin Coalition Against Sexual Assault, Illinois Coalition Against Sexual Assault, Virginians Against Domestic Violence and Sexual Assault, California Coalition Against Sexual Assault, New Jersey Coalition for Battered Women, Washington Coalition of Sexual Assault Programs, CONNSACS and North Carolina Coalition Against Sexual Assault. The civilian community-based service providers, such as SARA, Alexandria, Virginia; North County Rape Crisis and Child Protection Center, Lompoc, California; Morongo Basin Sexual Assault Services, Yucca Valley, California; YWCA, Chicago, Illinois; Women's Center of Southeastern Connecticut, New London, Connecticut; Saratoga Springs Domestic Violence Shelter, Saratoga Springs, New York; and numerous others are furnishing direct services to armed forces personnel, family members and partners.

Sexual violence associated with the U.S. Armed Forces periodically gains public attention due to sexual misconduct scandals, including Tailhook, Aberdeen, Fort Leonard Wood, Okinawa, Air Force Academy, and recently, the current theater of operations.

The public attention generates correspondence to our office from victims, survivors, family members, servicemembers, veterans, advocates and attorneys. The letters, generally, request information, assistance, accountability and justice. Recently, our office has received a series of letters which are quite different.

The first letter arrived during the investigations and panels reviewing the sexual misconduct scandal at the Air Force Academy. The inquiry was from a 12-year-old girl asking, "I have a dream of attending the Air Force Academy...sorry that they were violated in such a way that I must ask 'Should I go to the Air Force Academy?'" This young woman's letter has been followed by inquiries concerning the services and the service academies, with the most recent inquiries concerning the US Coast Guard Academy.

In honor of women veterans, active duty women, women who serve on the homefront and women who dream of military service, an examination of the prevalence, investigations, policies, laws, services and treatment for victims

and offenders of interpersonal violence within the military community will be presented. The information will hopefully assist with the development of legislative and administrative protocols to enhance the response of the military departments in a timely and appropriate care and treatment and provide justice to those victimized by such crimes. The testimony is specifically intended to address the inquiry of many young women who are contemplating the profession of arms.

Prevalence of Sexual Assault in the U. S. Armed Forces

Sexual assault is an under-reported crime that is deeply traumatizing and stigmatizing for victims. The assessment of prevalence of sexual assault among U. S. Armed Forces is difficult to obtain due to varying methodologies and definitions among surveys and reported cases.

The prevalence of sexual assault among female active duty servicemembers declined from 6 percent to 3 percent between 1996 and 2002, according to the Department of Defense.

A survey conducted within the Veterans' Administration concluded that thirty percent of female veterans have experienced an attempted or completed rape during active duty. Earlier surveys conducted by the Veterans' Administration indicated a prevalence rate as high as forty-one percent.

The disparity between prevalence rates within the military departments and the Veterans' Administration relates to methodological differences, specifically the anonymity for respondents and protocols for the protection of human subjects. Survey responses are available to command in the active duty services. Anonymous surveys are preferred for determining the prevalence of intimate partner violence, sexual harassment and assault among active duty military women. Prevalence and evaluation studies should be conducted under the principles guaranteeing confidentiality to victims as specified by state of the art research protocols utilized within the Bureau of Justice Statistics, the National Institute of Justice and the Center for Disease Control and Prevention.

Data collected by the Department of Defense Inspector General indicates eleven percent of seniors and three percent of freshmen at the Air Force Academy have been victims of an attempted or completed rape. The survey utilized a narrow, legal definition of rape, rather than a scientific or behavioral set of questions. Although the definition was limiting, the rate is disproportionately high for the population of female cadets, comprising sixteen percent of the cadet corps. A flawed comparative analysis was then conducted by the Department of Defense with a landmark study of sexual assault on college campuses. The definition of rape within the college campus survey included oral and anal penetration and penetration by object. These behaviors were not included in the definition of rape in the study conducted at the Air Force Academy. These behaviors were categorized as "sexual assault." Furthermore, the AF study, students were asked to report on all sexual assaults that had occurred, since they entered the Academy. College students were asked to report only on those that had occurred since the beginning of the school year in the civilian study.

Defense Department officials compounded the flawed analysis by utilizing the same landmark survey for comparative analysis in regard to the Naval Academy and West Point. Again, the time period, definitions and behaviors varied between the civilian and academy surveys. Thus, a prevalence or evaluation study conducted utilizing the state of the art in civilian studies may result in accurate data, generalizability and comparative analysis.

The Department of Defense has acknowledged 2,374 reported cases of sexual assault during calendar year 2005. This represents an increase of 40 percent over the number of reported cases in 2004 (1700). The calendar year data for 2004 is a 25 percent increase over the 2003 figure (1012). The calendar year data for 2003 is a 41 percent increase over data collected for 2002. The figures for calendar year 2005 include over 400 cases entailing civilian victims and/or assailants.

The Army has revealed that reported cases of rape increased twenty-five percent between 2003 and 2004. The analysis indicates that cases of sexual assault escalated by nineteen percent during the same time period. The number of reported rapes and sexual assaults increased by five percent between 2002 and 2003. The substantial increase in the number of reported cases was correlated to a target rich environment, a twenty percent increase in the number of women serving on active duty; and enhanced reporting and availability of services by Army officials. The conclusions are fundamentally flawed and lack serious evaluation and review.

Military criminal investigators disposed of 1,474 cases of sexual misconduct during 2005. Commanders disciplined 274 alleged offenders including 79 by court-martial; 91 by nonjudicial punishment and 104 with discharges and administrative punishments. The remaining cases, 641, were dismissed for lack of evidence or unsubstantiated. Over two hundred offenders could not be identified or would be subject to civilian or foreign authorities.

Prevalence of Sexual Harassment in the U. S. Armed Forces

The Department of Defense defines sexual harassment as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

The Department of Defense conducted surveys in 1995 and 2002 which included questions about a range of unprofessional gender-related behaviors as well as behaviors defined as sexual harassment. The survey indicated a general decline in unprofessional behaviors and sexual harassment. The overall rate of sexual harassment declined from 45 percent to 24 percent for women and from 8 percent to 3 percent for men.

According to the 2002 survey, only 30 percent of women and 17 percent of men who experienced sexual harassment reported the incident/s to military authorities. This represents a decline in reporting by women. The most common reason cited for non-reporting was that the respondent did not regard the incident as serious enough. The fear of being labeled a troublemaker and a belief that nothing would be done were additional justifications for non-reporting by respondents.

The experience of sexual harassment among armed forces personnel has been cited in Department of Defense studies as associated with psychological distress, job dissatisfaction and a low retention rate. Risk factors include gender, youth, rank and history of childhood abuse. Workplace characteristics associated with sexual harassment encompass lack of leadership, lack of readiness, poor unit cohesion and a discriminatory climate towards women. The tolerance of sexual harassment among armed forces personnel correlates to negative attitudes towards women in the armed forces and precipitates sexual assault among the ranks.

Prevalence of Sexual Assault and Deployments

The casualty count mounts during times of war, armed conflict and peacekeeping operations. According to the Department of Defense, one-sixth of one percent of female servicemembers experience sexual trauma during deployments. The rate of victimization experienced by women servicemembers deployed during Desert Storm and Desert Shield represents nearly a ten fold increase over rates obtained using female civilian community samples.

Among women veterans seeking VA disability benefits, 69 percent of combat veterans and 86 percent of noncombat veterans reported in-service or post-service sexual assault. The study concluded that sexual assault prevalence was three to ten times higher for females serving in the armed forces than for females in the general population.

The Miles Foundation has received reports of 518 cases of sexual assault associated with deployments in CENTCOM AOR. The distribution by service is as follows: Army, 246; Navy, 77; Air Force, 68; Marines, 89; and Coast Guard, 14. The distribution is based upon identifying information furnished by victims. The victims are predominantly female active duty servicemembers, including guard and reservists called to active duty. The alleged assailants are predominantly male active duty servicemembers, including guard and reservists called to active duty. The reports of sexual assault occurring prior to deployment include 76 cases within active duty forces as well as guard and reserve units training for deployment. The reports continue to include multiple victims of more than a half dozen alleged assailants. The reports also include alleged assaults committed by other nationals and coalition partners, approximately 24.

The number of incidents should not be considered finite as colleagues at local rape crisis centers and shelter programs are providing services to survivors returning from deployments. In addition, cases may overlap among service providers and the Veterans' Health Administration.

Risk Factors: Culture, Hostility, Hypermasculinity, Prior Victimization and Drug Facilitation

The military environment is more powerfully associated with risk than individual factors, encompassing young women entering male dominated working groups at lower levels of authority; sexual harassment by officers; and

unwanted advances on duty and in sleeping quarters.

The risk associated with rank (enlisted v. officer) has been found in several studies documenting domestic violence among active duty military women. Although victimization should not adversely affect a woman's career, there is widespread concern as to its impact.

The hostility towards women was evident at the Air Force Academy in the form of the "Bring Me Men" sign greeting cadets, visitors and family. Sixty-eight percent of the female cadets were victims of sexual harassment, according to the survey by the Inspector General. The survey revealed the depth of hostility citing one in four male cadets do not support women attending the service academy. The birth of these cadets occurred well after the military academies began accepting women in 1976. Traditional sex roles for men and women are supported by male cadets at the military academies; and egalitarianism appears to lessen as cadets and midshipmen ascend through the ranks, according to numerous studies.

Surveys have been conducted within the military departments which detail the victimization of servicemembers prior to military service. Prior victimization, a factor in future victimization, has been identified by the Army, 49 percent of female soldiers; by the Navy, 36 percent of female sailors; and by the Air Force, 30 percent of airwomen. The studies indicate that individuals who have been victimized by sexual or child abuse prior to recruitment are more vulnerable to revictimization. The research, military and civilian, has not determined the causal factors for such vulnerability. The adoption of notions of instability of victims or the "asking for it" mentality are flawed. Further, conclusions relative to the "predisposition" of female servicemembers to sexual harassment and assault are inappropriate.

The combat theater is also illustrative of the hostility towards women in the U. S. Armed Forces. Survivors of sexual assault have shared information and insight relative to additional challenges in deployed units including lack of privacy to perform daily routines; insufficient lighting in and around the tents; isolation; existence of a sexually charged atmosphere; presence of pornography; and availability of condoms for male troops.

The presence of alcohol noted in case reviews associated with the Pacific Air Command, U. S. Air Force and U. S. Army Europe is indicative of drug facilitation in sexual assaults. The case reviews indicate the presence of alcohol in approximately 70 to 75 percent of reported cases. Alcohol is readily available and ever present among the ranks, according to studies conducted by the Department of Defense. The availability and utilization of a category of drugs, date rape drugs, including Rohypnol (Roofies or Ruffies), Gamma Hydroxy Butyrate (GHB) and Ketamine Hydrochloride (K or Special K), may be limited in the armed forces due to increased drug testing among the ranks.

The application of the disinhibition theory by military authorities fails to assign responsibility to the alleged assailant who utilizes alcohol to diminish the capacity of a victim to say "no." Justice in such cases is lacking due to the diminished capacity, memory loss and charges of collateral misconduct or infractions.

Finally, the overlap of physical, sexual and emotional abuse is routinely found in studies and case histories of survivors. Research relative to active duty military women has cited this overlap concluding that one third of female veterans reporting physical assault by an intimate partner also reported being sexually assaulted. In another study, researchers discovered that psychological abuse related significantly to psychological distress in active duty military women. The overlap in types of abuse supports the argument for a broad definition of domestic and/or sexual violence within the military.

Reporting Behavior

Sexual assault is the most under-reported crime, according to the National Center for Victims of Crime. Sixteen percent of sexual assaults are reported to law enforcement authorities. The reporting rate for the U. S. Armed Forces in sexual assault cases is 22-23 percent, substantially greater than the reporting rate within the civilian community.

Many factors influence a victim's reporting behavior including acceptance of rape myths, appraisal of blame and cultural context. Research indicates that rape within the armed forces involves the victim knowing the offender (Offender Known Rapes), continued victim-assailant contact after the event and intoxication by both parties. The Pacific Air Command and Army Europe concluded that seventy to eighty percent of assaults entail military personnel who are acquainted and occur in familiar locations, such as barracks or dormitories. The same ambiguity

and self-doubt exists for rape victims in the military and civilian communities.

Data also indicates that military victims fear that the alleged assailant, often higher in rank and command, may be more likely to be believed. The military victim also fears being punished for breaking loyalties to the military unit and punishment for collateral misconduct, such as drinking, adultery or fraternization. For example, cadets at the Air Force Academy reported fear of reprisals and retribution as the reason for not reporting. The fear of being punished by command officials, such as marching the Terrazzo for hours, was cited by 25.2 percent of the female cadets.

The absence of confidentiality of communications, privilege, continues to incumber the reporting of abuse to military authorities. According to the Defense Advisory Commission on the Status of Women in the Services (DACOWITS), the absence of confidentiality is the most significant barrier to victims reporting abuse to military authorities. The lack of confidentiality, trust in the system, may be even more an issue for officers than enlisted women.

A comparative analysis of reporting behavior among Academy cadets and college students indicates significant differences among the populations relative to the fear of reprisals and reasons for not reporting. The fear of reprisal correlates directly to the assailant for victims on college campuses, whereas the fear of reprisals from peers, colleagues and command authorities traumatizes Academy and military assault victims.

Implications for Public Health

Violence against women in the armed forces is a public health concern which impacts national security. Researchers have documented the widespread problem of rape trauma following sexual assault. Sexual assault causes severe psychological distress and long-term physical health problems. Sixty-six percent of victims display symptoms of post traumatic stress disorder (PTSD) referred to as rape trauma. Ninety percent of sexual assault victims experience the onset of rape trauma within one month of the assault. One-third of victims of sexual assault display symptoms more than six months later.

Sexual trauma and combat exposure appear to be strong risk factors for PTSD within the military community. The trauma denoted as military sexual trauma (MST) has implications for the physical and mental health of the survivor, military readiness, unit cohesion and national security while on serving on active duty. The transition from military to civilian life can be exacerbated by MST. In addition, the disability assessment within the Veterans' Health Administration may pose additional challenges to MST victims.

MST may occur less frequently than combat trauma, the sexual trauma has a great impact on the symptoms of PTSD. In a recent survey of veterans seeking PTSD disability benefits, 69 percent of female combat veterans reported an in service or post service sexual assault, while 86 percent of female noncombat veterans reported a sexual assault.

Women veterans reporting a history of sexual assault are nine times more likely to have PTSD. If childhood abuse occurred, women veterans are seven times more likely to have PTSD. Health care utilization and cost of services is higher among women reporting an assault while on active duty. Studies also suggest that they are receiving fewer health care services with implications for public health policy.

A variety of studies indicate that depression is twice as high for women reporting a military rape history. In addition, a high incident of substance abuse exists among survivors of MST.

The health implications for victims of MST are not limited to psychological distress. Studies indicate that women who report sexual assault have medical conditions of every domain. Over one-quarter of women reporting sexual assault in the past year have 1 to 24 symptoms or conditions, compared to a little over 10 percent of women with no reported sexual assault while in military service.

Further, women reporting repeated violence during military service utilize significantly more outpatient services in a year, have poorer health status, report childhood violence and postmilitary domestic violence. Repeated exposure to violence is a common experience for women in the military with substantial implications for public health.

Women who are raped or assaulted while on active duty are more likely to report chronic health problems, including prescription medication use for emotional problems, failure to complete college, and annual incomes of less than \$25,000. Decades after experiencing rape or physical assault during military service women report decreased health-related quality of life, with limitations of physical and emotional health, education and financial attainment, and severe, recurrent problems with social activities.

Panels, Commissions, Task Forces and Policy Reviews

Sexual violence associated with the U. S. Armed Forces has been the subject of over 25 task forces, commissions, panels and reports. In recent years, the Panel to Review Sexual Misconduct Allegations at the Air Force Academy; Defense Task on the Care of Sexual Assault Victims; Defense Task Force on Sexual Harassment and Violence at the Military Academies; and Defense Task Force on Sexual Violence in the Military Services have been appointed to explore the challenges, review current policies and protocols, oversee and treatment services and propose recommendations for policy changes.

The panels have consisted primarily of military personnel, contractors, stakeholders and political appointees with limited access to data, personnel, service providers and survivors. The panels have been fundamentally flawed in their composition. The panels have failed to include a survivor. A sampling of state and municipal commissions, collaborative partnerships and boards of directors in the field routinely include survivors. Survivors have an intimate knowledge and understanding of the practices within a community, and have insights into enhancing services for victims in crisis, such as safety, protection and treatment.

The civilian sector is represented by stakeholders, contractors and political appointees. Contractors for curriculum development and training have been well represented. Regions without a significant military population are overly represented. Few direct service providers for military personnel and families within the civilian community have been assigned to the various panels. Policymakers and program evaluators have been decidedly underrepresented.

The civilian panelists, generally, have limited experience with military protocols and military personnel assigned to the panels have limited knowledge of the field. The lack of experience has resulted in a heavy reliance upon data, information and materials from the military departments. The military personnel have been enrolled in training programs with civilian law enforcement and advocates. The panels have also failed to represent the diversity within the military community.

The heavy reliance upon information from the military departments has frequently limited program evaluation and analysis. In some instances, misinformation has been furnished to panel members. For example, information that chaplains have privilege for victims of domestic violence and sexual assault is not supported by military case law which actually limits privilege to expressions of faith and conscience between a chaplain, servicemember or family member.

The reports often neglect to delineate research and education priorities for specific groups within the military community. The reports fail to provide a comparative analysis of civilian and military policies and programs. A thoughtful comparison of the military and civilian communities and best professional practices would enhance the discussion.

Panel to Review Sexual Misconduct Allegations at the U. S. Air Force Academy/Fowler Commission

Secretary of Defense Rumsfeld appointed a seven member panel to conduct a 90 day inquiry following Congressional authorization to explore the victimization of women at the Air Force Academy in 2003. The initial composition of the panel was questioned by numerous organizations, citing bias and lack of a victim advocate or sexual offender behavioral specialist. One panelist resigned after expressing doubts as to the veracity of claims of sexual assault by cadets. A victim advocate was later appointed to the panel.

The panel chaired by the late Congresswoman Tillie Fowler conducted a series of public hearings. The panel examined 142 allegations of sexual assault, an average of 14 allegations per year, for the last decade. The panel interviewed approximately ten survivors of sexual assault associated with the Air Force Academy.

The *Report of the Panel to Review Sexual Misconduct Allegations at the Air Force Academy* noted "the leadership failure helped to create an environment in which assault became a part of life at the Academy." The report referenced previous reviews by the Air Force Surgeon General and Air Force General Counsel as "an effort to shield Air Force headquarters from public criticism."

The Report recommended adopting a psychotherapist-patient privilege for sexual assault victims; transforming the board of visitors into a corporate board of directors; reconfiguring the board of visitors to include fewer members of Congress, more women and minority members; permitting unrestricted private access to telephones in an emergency; mandating character development instruction for all cadets; extending tours of duty for the superintendent and commandant of cadets; crafting choice for cadets when reporting an incident to a victim advocate, psychotherapist or peer counselor; providing transportation to a hospital, and any necessary support, to a victim who chooses to have a forensic examination; and training, training and more training.

The recommendations indicate a limited exploration of the challenges associated with sexual violence at the Academy. The panel did not review the Uniform Code of Military Justice (UCMJ) and Manual for Courts-Martial (MCM) relative to command responsibilities, military necessity and exceptions to a privacy privilege. The panel did not address the lack of a rape shield, victim preference or character and evaluation of military service provisions within the Manual for Courts-Martial (Rule 412 and Rule 306 (b)). The military case law resulting from the court-martials associated with Aberdeen Proving Ground which expanded the definition of rape to include acquaintance and abuse of power rapes was not part of the review.

The recommendations of an earlier Congressionally mandated study of military sex crime investigations, *Adapting Military Sex Crimes to Changing Times*, were not reviewed. In addition, the panel neglected to review jurisdictional issues between civilian law enforcement and the Academy. The concurrent jurisdiction at the Academy provides that local law enforcement may investigate and prosecute crimes occurring on Academy grounds. However, the El Paso County Sheriff's Department and the District Attorney's Office have entered into a Memorandum of Understanding which precludes civilian jurisdiction in sexual assault and domestic violence cases on Academy grounds. The Memorandum may deny victims equal protection under the law, as well as enhance municipal and state liability.

Department of Defense Task Force on the Care of Sexual Assault Victims

The Secretary of Defense created the Department of Defense Task Force on the Care of Sexual Assault Victims (DTFCSAV) in response to reports of sexual assault occurring in CENTCOM AOR in early 2004. The Report of the DTFCSAV, issued in the spring, acknowledges that medical care, support services and treatment for trauma are significantly limited for victims of rape and incest within the military community. The Report detailed areas requiring attention and improvement including data collection, policy and program development, coordination of care and services, definition of sexual assault and confidentiality.

The Report attempted to include a wide scope of factors which contribute to sexual assaults. The neutral stance and language, combined with various points relative to victim responsibility and reliability, reveal a cultural climate which may be the largest barrier to the implementation of effective prevention and intervention strategies.

The Report utilizes terminology familiar to the field. However, the terminology is not properly defined or set in the appropriate context.

Several sections of the Report are seriously flawed including sexual assault prevention, community safety, offender accountability, confidentiality for victims and the omission of an analysis of sexual offender behavior. Specifically, prevention constitutes "risk reduction" for potential victims, such as battle buddies, lighting and victim behavior modification. The responsibility is placed upon the victim to preclude a sexual assault citing prior victimization, vulnerability, behavior and presence of alcohol.

The Report failed to state or suggest that sexual assaults occur because perpetrators chose to commit these crimes, effectively omitting the most important element in the analysis of sexual violence. The Report also lacks a discussion of the behavior of sexual offenders including early onset of such behavior, premeditation and drug facilitation. A review of research conducted within the military services reveals only one limited inquiry into sexual aggression among male recruits, noting a significant number of incidents of nonconsensual sex among male recruits.

The Report acknowledges discrepancies among the military services as to a definition of sexual assault. However, the Report again relies upon training, training and more training to alter the culture without a foundation of law and policy to support policy and social change.

The review of disciplinary actions or alternatives fails to review the escalation in offender behavior which often follows limited intervention, such as a reprimand or arrest without charges and prosecution.

The Report recommends the development of collaborative partnerships among military and civilian entities through the development of formal Memorandum of Understanding or Agreement (MOU/MOA). The recommendation fails to review the precarious position that such agreements would force upon civilian law enforcement, municipalities and service providers. The issue of liability has not been sufficiently researched. The requirements of Federal and state grant programs for direct service providers preclude such agreements in light of confidentiality requirements.

Finally, the Report did not prioritize the needs of victims serving in deployed units in CENTCOM AOR nor specify an action plan to furnish necessary supplies, personnel and treatment to deployed units.

Defense Task Force on Sexual Harassment and Violence at the Military Academies

The *Report of the Defense Task Force on Sexual Harassment and Violence at the Military Academies* is the most recent exploration of sexual harassment and assault by the Pentagon. Military personnel and civilian representatives conducted site visits and public hearings at the military academies. The Task Force was not tasked to review policies at U. S. Coast Guard Academy due to limited authorization.

The Report notes sexual harassment as more prevalent than sexual assault at the military academies. The Report touches upon the public health aspects of sexual violence. The Report also recommends the adoption of a confidentiality of communications policy. The Report does not address the disparity between military policy directives cited as restricted and nonrestricted reporting and Federal and state statutes.

Assessment of Department of Defense Policy Directives

The Secretary of Defense appointed a Joint Task Force on Sexual Assault Prevention and Response (JTSAPR) composed of service personnel to implement the recommendations of the Defense Task Force on the Care of Victims of Sexual Assault (DTFCSAV) in October 2004. The first task of the JTSAPR was to sponsor by invitation only conferences and advocacy group meetings.

The JTSAPR was subsequently assigned the development and implementation of the Congressional mandates outlined in the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005. The JTSAPR has issued approximately fourteen directive type memorandums (DTMs) including the definition of sexual assault; commander's checklist; training and education; coordinated community response; victim services; collateral misconduct; administrative separation; and restricted and nonrestricted reporting. The following is a brief review of the DTMs:-

Collateral Misconduct in Sexual Assault Cases (JTF-SAPR 001)

The directive is intended to permit access to care without fear of repercussions for a victim of sexual assault, such as charges of fraternization, adultery, underage drinking or drug use. The directive prioritizes the level of offense by the victim in relation to a sexual assault. The directive defers or delays disciplinary actions. The directive does not furnish amnesty to victims of sexual assault. Further, the directive permits command to review the victim's behavior as a contributing factor to the sexual assault. The directive neglects the issues associated with drug facilitation, particularly the use of alcohol by sex offenders.

A report is pending relative to a review of administrative separations of survivors of sexual assault as required by Congress. The directive requires consider of administrative separation "in the best interest of the victim or the Armed Forces." These interests may be counter to one another. There are no limits or rights to discharge established.

Increased Victim Support and a Better Understanding of Sexual Assault Cases (JTF-SAPR-002)

The Report of the DTFCSAV acknowledged that medical care, support and treatment for trauma are

significantly limited for victims of rape and incest within the military community, particularly those serving in combat zones.

The directive assigns tasks to victim advocates and the sexual assault response coordinators along with support of service initiatives, such as Victim Support Liaison, US Air Force; SAVI coordinator, US Navy and Unit Victim Advocate, US Army.

The protections to be afforded a victim should include no contact orders and reassignment of the victim and/or assailant.

Data Call for CY04 Sexual Assaults (JTF-SAPR-003)

The U. S. Armed Forces do not currently possess a system to uniformly collect data, determine actual rates and analyze trends, according to the Defense Task Force on the Care of Sexual Assault Victims (DTFCSAV) Report and the Acting Secretary of the Army's Task Force Report on Sexual Assault Policies. The Report of the DTFCSA also acknowledged that medical care, support

Review of Administrative Separation Actions Involving Victims of Sexual Assault (JTF-SAPR-004)

Commander Checklist for Responding to Allegations of Sexual Assault (JTF-SAPR-005)

The Checklist is essentially a response protocol or guide for command relative to the needs of a victim of sexual assault, actions to be considered in regard to an alleged assailant and actions to address issues within the unit at large. The directive reinforces precommand training and command school modules. The directive represents the duties of a victim advocate assigned to command. Issues relative to access to private and confidential information within records and the use of command discretion are not well addressed within this directive.

Definition of Sexual Assault (JTF-SAPR-006)

The formal definition of sexual assault announced by the Department of Defense states that "sexual assault is a crime." This is the first acknowledgement by the Pentagon that sexual assault constitutes criminal behavior.

The directive establishes Department wide definitions of sexual assault and other sex related offenses for training and education purposes. The definition represents military case law such as abuse of power rapes associated with the cases at Aberdeen Proving Ground.

Statutory changes associated with the revision of Article 120 of the Uniform Code of Military Justice (UCMJ) have not been enacted.

Training Standards for DoD Personnel on Sexual Assault Prevention and Response (JTF-SAPR-007)

The directive requires training modules in basic military training, initial entry training, semi annual training, installation in processing and predeployment. The predeployment training requires a discussion of the cultural differences within a host country and coalition partners. The directive essentially establishes a train the trainer program. Questions relative to the application of such training to national guard and reserve commands remain. Further, the prevention and education modules focus upon definition, risk factors and core values. The prevention module places the responsibility on the victim to address behavior in order to preclude an assault, rather than an assessment and training on the behavior of a potential sexual offender.

A forthcoming study examines attitudes towards women in the military and tolerance of sexual harassment among male and female reserve and guard members. The study found that sexual harassment training was associated with positive attitudes towards women, but not with tolerance of sexual harassment, suggesting that units with positive attitudes may be more willing to promote training on sexual harassment. However, the training itself did not seem to affect individually held attitudes toward sexual harassment. The study confirms the conclusions of preliminary research that negative attitudes towards women in the military significantly predict tolerance of sexual harassment.

Further, a study of intimate partner violence among the ranks showed a correlation between disrespect towards women when off duty (including visiting strip clubs and pornography) results in an increase in intimate partner violence. This "spillover" effect of such cultural practices may influence attitudes and behaviors in the workplace.

Response Capability for Sexual Assault (JTF-SAPR-008)

The model for the directive is the SAVI program within the U. S. Navy. The policy directs the collaboration and coordination of response protocols among command, sexual assault response coordinators, military criminal investigators, victim advocates, chaplains and certain health care professionals. The directive establishes the new

position and bureaucracy of sexual assault response coordinators within the services.

Confidentiality Policy for Victims of Sexual Assault (JTF-SAPR-009)

The Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 mandated the development of a confidentiality policy within the Department of Defense for victims of sexual assault. The Department acknowledged confidentiality as essential to "the well-being of victims...to ensure the best possible care...and if you offer confidentiality, you increase the reproign and more people are willing to say, 'Yes, I'm willing to press charges,' during a press conference on January 4, 2005.

The Department of Defense later issued a Restricted and Nonrestricted Reporting Policy Directive for Victims of Sexual Assault on March 16, 2005. The confidentiality policy established protocols for reporting and nonreporting options for victims of sexual assault enabling victims to access services and treatment. Essentially, victims elect to receive medical care, treatment and support with or without a criminal investigation.

The commander is tasked with "action to safeguard the victim from any formal or informal investigative interviews or inquiries except those conducted by the military criminal investigative organization." This task may inhibit the participation of a victim in a civilian investigation. Further, victim services reports, reporting avenues for commanders, and aggregate non-personal data collection due to constitute privacy and privilege for a victim within the armed forces.

The Department of Defense was criticized for failing to adopt such a policy for victims of domestic violence and stalking as encouraged by Congress in 2002. Subsequently, the Department issued a directive applying the same policy to domestic violence victims.

The policy continues to support a hierarchy of victims based upon relationship to the U. S. Armed Forces. The inequity is also evident by type of victimization as the policy excludes victims of stalking and trafficking.

Collaboration with Civilian Authorities for Sexual Assault Victim Support (JTF-SAPR-010)

The policy acknowledges the limited nature of resources on military installations relative to sexual assault, particularly military medical facilities. The policy directs commands to establish Memorandum of Understanding (MOUs) with civilian entities to enhance response, care and services. However, the directive does not address jurisdiction, disparity between military protocols and civilian statutes or liability for municipalities and civilian service providers.

The jurisdictional issues between civilian law enforcement and military installations warrant review. Numerous exceptions exist to the traditional concept of a military installation as an area under complete Federal control. Four types of jurisdiction exist:

- Exclusive Federal Jurisdiction-The Federal government holds all authority in cases of exclusive jurisdiction (18 U.S.C. 13). Offenses are handled only by the military or other elements of the Federal justice system. Civilian authorities can only enter upon invitation of the installation commander in order to serve process, such as Vandenberg Air Force Base, California.
- Concurrent Jurisdiction-State and Federal governments share authority over the area under concurrent jurisdiction, either may be first responders or prosecute offenders.
- Partial Jurisdiction-States may give the Federal government authority in some areas of law and reserve authority in others under partial jurisdiction.
- Proprietary-Interest Jurisdiction-Proprietary interest jurisdiction maintains the right of ownership and use of the land with the Federal government, however, all legal authority is assigned to the state, such as the housing unit at Subbase, Groton, Connecticut

For example, the concurrent jurisdiction at the Air Force Academy provides that local law enforcement may investigate and prosecute crimes occurring on Academy grounds. However, the El Paso County Sheriff's Department has entered into a Memorandum of Understanding (MOU/MOA) which precludes civilian jurisdiction in sexual assault and domestic violence cases on the grounds. The MOU/MOA may deny these victims equal protection under the law, as well as enhance municipal ,state and service provider liability.

Again, the disparity between military protocols and civilian statutes relative to definitions of sexual and domestic violence, mandatory arrests, equal protection and due process may prevent such collaborations.

Training Standards for Sexual Assault Response Training (JTF-SAPR-011)

The directive again outlines training modules to be utilized in training of personnel relative to prevention and response in cases of sexual assault.

Training Standards for Pre-Deployment Information on Sexual Assault and Response Training (JTF-SAPR-012)

The directive stipulates that deploying units receive special instruction on the support systems that will be available during deployment and the procedures for reporting a sexual assault. In addition, information relative to cultural aspects of host countries and coalition partners are to be presented.

Department of Defense Directive 6495.01 Sexual Assault Prevention and Response (SAPR) Program Essential Training Tasks for a Sexual Assault Response (JTF-SAPR-013)

The Directive codifies the variety of tasks required for training modules and personnel in response to sexual assault.

Sexual Assault Evidence Collection and Preservation Under Restricted Reporting (JTF-SAPR-014)

The directive mandates that criminal investigators, healthcare professionals and the other first responders receive specialized training in sexual assault prevention and response as mandated within the National Defense Authorization Act for Fiscal Year 2006. Health care providers training tasks include sexual assault examination process; sexual assault evidence collection kits; and chain of custody. Criminal investigators training includes crime scene management; identification and collection of fragile evidence; preliminary interviews; understanding sex offenders; and suspect and victim interview techniques.

Limitations of the Policy Directives and Memorandums

The Directive Type Memorandums issued by the Department of Defense are not codified by statute. The policy directives focus predominantly upon training, training and more training which may not result in policy, social or cultural changes as evident in preliminary research among active duty, guard and reserve personnel.

Further, the limitations of the directives include, but are not limited to:-

- the lack of applicability to victims and survivors of sexual harassment, domestic violence and stalking;
- lack of justice for victims;
- a piecemeal approach, rather than a strategic plan for policy development;
- the focus upon prevention and support for victims
- the lack of review or notations relative to sex offender behavior;
- the lack of review of the impact of command climate and culture;
- the lack of penalties for offenders;
- the lack of guidance concerning disciplinary actions for sex offenders;
- the lack of evaluation of commands relative to the response to sexual assault; and
- ongoing concern with command discretion in regard to criminal behavior.

Office for Sexual Assault Prevention and Response

The Joint Task Force on Sexual Assault Prevention and Response (JTSAPR) recently morphed into an Office on Sexual Assault Prevention and Response.

Authorizations, Appropriations, Mandates and Revisions to the Uniform Code of Military Justice (UCMJ)

Sexual and domestic violence associated with the U. S. Armed Forces has been the subject of public hearings by the Joint Committee on Veterans' Affairs, the Senate Armed Services Committee, the House Armed Services Committee and the Congressional Caucus for Women's Issues. Congress mandated that the Department of Veterans' Affairs provide treatment to veterans traumatized by sexual assault experienced during active duty in 1992. In 1994, Congress amended the authorization, allowing veterans to receive appropriate care and services for injuries, illnesses and other psychological conditions resulting from sexual trauma.

The *Millennium Health Care and Benefits Act of 2000* establishes a screening tool for sexual trauma within the Veterans' Administration and required the expansion of services to victims and survivors of domestic violence. Data resulting from the screening tool was presented in 2004 indicating that 1.18 percent of male veterans and 20.69 percent of female veterans report experiencing military sexual trauma.

The *Ronald Reagan National Defense Authorization Act for Fiscal Year 2005* mandates an extensive review, policy development and implementation within the Department of Defense to prevent and intervene in sexual and domestic violence. The provisions include, but are not limited to, victim advocates, collaborative partnerships, coordination of services, standardization of prevention and intervention protocols among the services and confidentiality of communications.

Congress appropriated \$1.8 million for the establishment of an Office of the Victims' Advocate in 2004 within the *National Defense Appropriations Act for Fiscal Year 2005*. The funders also furnished additional funds to support the victim advocate program. The Department of Defense announced a study rather than implementation of the legislative mandate. Further, the study has not been released publicly. The Pentagon continues to neglect earlier Congressional mandates relative to training, education of first responders, especially military criminal investigators.

The *Trafficking Victims Protection Reauthorization Act of 2005* amends the Manual for Courts-Martial, making the punishment for using a prostitute the same as that for being a prostitute. Any servicemember convicted of patronizing a prostitute can receive a dishonorable discharge, forfeiture of all pay and allowances, and one year of confinement.

The *National Defense Authorization Act for Fiscal Year 2006* revises the Uniform Code of Military Justice (UCMJ) to include statutes based upon current Federal law relative to sexual assault and stalking. The revised sexual assault statute encompasses a variety of types and degrees of sexual assault within the UCMJ. The stalking statute is set exclusively within the UCMJ, without addressing the Federal interstate stalking statute in regard to stalkers who chose to use military installations as sanctuaries. The revisions to the UCMJ will be effective in 2007.

The Act also requires the collection of data as to the availability and accessibility of supplies, trained personnel and transportation resources for responding to sexual assault in deployed units. The accompanying committee report requires review of the victim advocates program and protections against adverse career impact and administrative separation of survivors of sexual harassment and assault. To date, the report as to the victim advocate program has not been made public.

Congressional Initiatives: Military Domestic and Sexual Violence Response Act, General Accounting Office Study and Defense Authorizations

The Department of Defense is committed to prevention and response in cases of domestic and sexual violence. However, services remain incomplete and inconsistent among the services. Victim advocates, dedicated to protecting victim's rights, have been denied resources, forced off the base and unfairly dismissed. The policies within the military departments are not codified, nor offer the same protections as civilian programs. Finally, victims are unable to seek confidential counseling and treatment without fear that counselors will be forced to surrender treatment records, if charges against an assailant are pursued. Congress is considering numerous initiatives to ensure prevention, intervention and justice for military personnel, family members and partners victimized by crime.

Military Domestic and Sexual Violence Response Act, H.R. 5212

The Military Domestic and Sexual Violence Response Act is the first comprehensive legislative initiative to address domestic violence, sexual assault, stalking and family violence within the U S Armed Forces. Its initial introduction was during the 108th Congress in 2004.

The bill builds upon the knowledge gained from more than twenty reports on sexual assault, harassment and domestic violence within the US Armed Forces prepared over the last two decades. The bill also reflects the knowledge gained from the Violence Against Women Act of 1994 and its reauthorizations, victims' advocates programs within the Department of Defense, Armed Forces Domestic Security Act, Servicemembers Civil Relief Act, Military Extraterritorial Jurisdiction Act, PROTECT Act, Trafficking in Persons Acts and its reauthorization and various Federal and state statutes.

The bill provides a foundation of law and policy; infrastructure for services, support and treatment; victims' rights and restitution; health care system response; military justice system response; offender accountability; offender treatment; system accountability; community safety; research; prevention; best professional practices; training; and education.

The bill codifies numerous terms including sexual harassment and assault, domestic violence, stalking, protection orders and family violence within the military system. The definitions are garnered from various Federal and state statutes.

The bill crafts a foundation of law and policy by updating and revising the Uniform Code of Military Justice (UCMJ) and Manual for Courts-Martial (MCM) as well as standardizing policies within the military departments. The UCMJ would incorporate current Federal statutes relative to sexual assault, domestic violence, human trafficking and stalking. The bill would also standardize the policies within the military departments based upon best professional practices adapted from the civilian community, such as pro-arrest policies to preclude inappropriate arrests or charges of mutual abuse and protection orders. The bill also closes loopholes in Federal law relative to interstate domestic violence, stalking and enforcement of protection orders.

The bill addresses the unique needs of the military community including criminal investigations and practices, victim services, offender and system accountability in the development of an infrastructure.

The Office of the Victims' Advocate restores access to services for victims and survivors; fully implements the victim advocates program authorized by Congress in 1994; serves as headquarters program manager for the program; establishes protective provisions and protocols, including a privacy privilege, relocation and protection orders; coordinates and navigates services among civilian and military entities; and reports to the Secretary of Defense and Congress on the current state of affairs as well as proposes initiatives to enhance the response of the military departments.

The bill expands the services available to meet the needs of the military community including deployed and training units. The bill encourages collaboration between military and civilian communities particularly between service providers, law enforcement, prosecutors, health care professionals and educators to create direct access to services. The bill also provides for prevention and public information campaigns specific to the military community.

The bill expands treatment services for victims and perpetrators within the Department of Defense and the Department of Veterans' Affairs to include health care response teams; community health centers; additional sexual trauma counseling centers to furnish both inpatient and outpatient services; and services for reservists and guard members victimized by sexual assault and domestic violence. The proposal entitles servicemembers to extended emergency medical leave in order to seek medical treatment, obtain counseling or victim services, or participate in safety planning as the result of sexual or domestic violence.

The proposal enhances the rights of victims to safety and justice by providing a privacy privilege; furnishing status reports on the progress of investigations and proceedings; enforcement of protection orders; and restitution. The bill prohibits adverse career impact for communications with victim advocates, inspector generals or members of Congress. Victims would be eligible to receive restitution from an assailant based upon procedures mirroring Federal statutes.

Victim advocates would be furnished protections relative to communications on behalf of victims to secure services or accountability as well as safeguards against adverse career impact.

System accountability is achieved through a series of procedures relative to the process of investigations including initiation, status and completion. The procedures include the production of reports by military criminal investigators, judge advocates and command. Oversight is outlined within the chain of command as well as outside the immediate chain of command involved in the incident report.

Prevention and training contracts would be authorized in order to support collaborative efforts between military and civilian communities, particularly to enhance the enforcement of protective orders, crisis intervention, hotline

services and system response. Training certification is codified.

The bill authorizes research grants to study prevalence, risk factors, trauma and response within the military departments in order to promote the health and safety of current victims and to prevent crime over the lifespan of servicemembers and veterans. The researchers will utilize the state of the art in research practices including protection of human subjects, behavior based inquiries and data collection. The research studies would include surveys of victim populations with a variety of relationships to the military. The studies would also result in informed data on sex offender behavior applicable to the military community.

Finally, the bill authorizes a conference and summit to be conducted by the Department of Defense in conjunction with the Department of Justice and the Department of Health and Human Services to include a broad agenda to address domestic violence, sexual assault, stalking, family violence and human trafficking.

The proposal is supported by numerous local, state and national organizations as outlined within ***Improving the US Armed Forces Response to Violence Against Women: Recommendations for Change***. Anti-violence groups, women's organizations, battered women shelters, rape crisis advocates, prevention specialists, service providers, treatment centers, human rights advocates and activists have collaborated to ensure the adoption of a strategic plan for current and future generations of military personnel, family members and partners.

Homeland Security Appropriations Act for Fiscal Year 2007

The announcements by the leadership at the Coast Guard Academy relative to the assignment of female counselors to victims of sexual harassment and assault, training on sexual assault awareness and enhanced reporting procedures, the U. S. House of Representatives adopted an amendment to direct the Government Accountability Office (GAO) to conduct a study of actions taken to improve the Coast Guard Academy's response to sexual harassment and to report its findings to the Appropriations Committee within 180 days of enactment of this Act.

National Defense Authorization for Fiscal Year 2007 (S. 2766 and H.R. 5122)

The House and Senate are pending a conference committee and enactment of the National Defense Authorization Act for Fiscal Year 2007. The differences will be among the issues during the conference committee.

The U. S. House of Representatives approved its version of the National Defense Authorization for Fiscal Year 2007, H.R. 5122, on May 11, 2006. The bill expands TRICARE coverage to include forensic examinations following sexual assaults and domestic violence and requires the Secretary of Defense to review procedures of certain pretrial investigations of sexual assault and domestic violence to determine whether the proceedings should be closed to the public. The measure would also require the Secretary of Defense to increase efforts to prosecute human trafficking, mandating several directives to implement a zero tolerance policy. The mandates include requiring the designation of a person within commandant commands to carry out anti-trafficking programs and oversee implementation of anti-trafficking directives; training for military criminal investigators and prosecutors as the use of existing provisions in the Uniform Code of Military Justice, Manual for Courts-Martial and the Military Extraterritorial Jurisdiction Act to identify and prosecute human trafficking cases; a review by the Joint Service Commission on Military Justice as to proscribing within the Uniform Code of Military Justice and Manual for Courts-Martial trafficking offenses; and compilation and dissemination to combatant commands best practices information to combat trafficking. An amendment adopted during floor debate will require the Department of Defense to enhance annual reports on sexual assault relative to disciplinary actions in such cases.

The U. S. Senate is considering its version of the National Defense Authorization for Fiscal Year 2007, S. 2766, provides that forensic examinations following sexual assault and domestic violence would be covered by TRICARE. The provision addresses the variation of practices among state victim compensation funds and develops a consistent policy of payment within the TRICARE system. The Department of Defense will also furnish assessments and reports relative to the military academies response to sexual assault on a biennial basis instead of annually. The bill also specifies that the focus of academy policy be "sexual harassment and sexual violence." The bill authorizes \$10 million for pilot projects to assess physical and mental health of servicemembers returning from deployments in regard to Post Traumatic Stress Disorder (PTSD).

Additional Recommendations for Change

During a recent Congressional briefing, members of Congress and staff received additional information, insight

and recommendations from survivors, direct service providers, victim advocates, military criminal investigators and attorneys. Survivors have prepared information, insight and recommendations for the Subcommittee, thus the insights and recommendations of direct service providers, victim advocates and criminal justice professionals are summarized below.

Direct service providers noted the ripple effect of the crimes of sexual and domestic violence within our communities and our society. The primary need of survivors is to be believed and to hear from a person who supports them that this crime is not their fault; and that the assailant is responsible for the choice to harm another person. Survivors also need:-

- an advocate who is trained to navigate through the system and walk through the process with them while supporting them each step of the way. The process following an assault can be retraumatizing for a victim.
- confidentiality, a right that should be afforded to all victims for reasons of privacy and safety;
- forensic examinations administered by specially trained nurses called Sexual Assault Nurse Examiners (SANEs), if they chose to report;
- safety addressed in a timely and appropriate manner with determination if relocation is necessary;
- connection to local civilian resources when possible and appropriate;
- a coordinated response to the crime of sexual assault, such as sexual assault response teams consisting of law enforcement, SANEs, attorneys, victim witness assistance specialists, child protective services, social workers and advocates;
- people who understand that sexual violence impacts victims in different and individual ways. The rape trauma syndrome model articulates various states of the healing process and affirms that their reactions of a survivor are normal reactions to an abnormal event.
- and awareness education that interrupts or stops the cycle of violence within the military community.

The former criminal investigator within the military focused upon the speculation on the part of investigators as to whether the victim was being honest, reasons the victim would have for lying and the victim's creditability. The investigator noted the nature of date or acquaintance rapes as problematic for military investigators due to the "he said, she said" nature of the crime. The investigator recommended review of:

- investigative techniques that get in the way of successful prosecution;
- interviewing witnesses and investigators writing statements for victims to review. The investigator noted the subtle differences in the statements are later detected by defense counsel.
- process which assumes the complainant is a false witness, often fearful of retaliation and being punished for personal violations of regulations, such as underage drinking or adultery;
- spousal rape charges which often involve ongoing domestic violence. According to the former agent, military criminal investigators do not conduct domestic violence investigations.
- efforts by military criminal investigators to address only felony level investigations and punishments for offenses against children or minors, neglecting the serious nature of the crime. Routinely, criminal investigators cite child sexual assault as carnal knowledge, rather than statutory rape concerning lack of consent for underage victims. Pre-teen and teen victims are often declared promiscuous.
- disciplinary actions and sentencing guidelines which do not fit the crime. Perpetrators are retained on active duty to offend again and again or discharged without notification to the civilian community of any disciplinary actions resulting from sexual offenses.
- training which is targeted to address outdated beliefs within the military justice system. Training conducted by advocates familiar with the trauma of rape and the dynamics involved in offender known rapes.
- the adversarial manner in which investigators interact with advocates. The former agent recommended that advocates be contacted at the beginning of an investigation and welcomed to attend victim interviews, rather than being barred from the process.
- UCMJ to enable the recognition of drug and alcohol facilitation as an aggravating factor in rape;
- prosecution of abuse of power rapes;
- initiating court-martial proceedings for suspects of sexual assault rather than nonjudicial punishment, discharge in lieu of punishment and administrative action;
- application of Fifth amendment rights by agents in order to fully inform victims of self incrimination regarding other behaviors and the application of regulations.

- legal advice and counsel for victims along with the document of such services and coordination;
- yearly audit by an independent agency, particularly on investigations that have been labeled as unfounded or insufficient evidence;
- procedures for handling and documenting grievances of victims and notification of these procedures be furnished to victims in writing;
- availability of data regarding military justice system to advocates;
- threats or punishments of witnesses in sexual assault cases. Witnesses should be guaranteed protection from punishment for minor offenses that arise through testimony.
- and zero tolerance policy and training which focuses on the responsibility of victim/soldiers to avoid an assault, instead of sending a clear message to potential sex offenders that rape is a felony offense;

Victim advocates shared disturbing accounts of the challenges for victim advocates within the military departments. The challenges include:-

- disbarment from military installations;
- cancellation of contracts;
- threats of limiting access to victims of sexual and domestic violence;
- changes in job titles among victim advocates and Family Advocacy Program personnel;
- reassignments;
- lack of privacy and confidentiality for victims visiting facilities assigned to victim advocates;
- select education and training opportunities;
- varying contracts among victim advocates serving on the same military installation;
- revictimization of survivors of sexual and domestic violence;
- lack of evaluation of criminal investigative techniques and introduction of victim advocates to support the investigative process;
- termination without sufficient reasons; and
- command discretion impeding safety planning and justice for victims.

The victim advocates recommended the standardization of intervention protocols to address the crimes of domestic and sexual violence; standardization of employment, support and protections for victim advocates within the armed forces; and confidentiality of communications for victims and victim advocates; and creation of the Office of the Victims' Advocate to ensure support and protections for those who provide direct services to military personnel, families and partners.

Offender and System Accountability

Senior leadership should set a standard for behavior and ensure instruction of officers, senior noncommissioned and noncommissioned officers to fully establish a zero tolerance policy. Recommendations to assess military leadership's response to sexual violence acknowledges the impact upon force protection, readiness and cohesion. A review of disciplinary actions contained within personnel records would illustrate the response of leadership. The precedent for such an analysis is contained in the *Abuse Victims Study* mandated by Congress in 1993. The recommendation mirrors an accountability and personnel system outlined within *Improving the US Armed Forces Response to Violence Against Women: Recommendations for Change*. The Defense Task Force on Domestic Violence and Fowler Commission also proposed the development of system accountability standards.

Trafficking and U. S. Armed Forces

Human trafficking is the illegal practice of procuring human beings for unpaid labor in physically abusive conditions from which they cannot leave. Prostitution is being targeted by the Department of Defense as it represents the main component in human trafficking.

The Department established a new training program to clarify what it is and what the implications are of becoming involved in human trafficking. The training was developed early last year and can be taken in a classroom or online. The training covers four areas: U. S. and DOD policy on human trafficking; origins of the trafficking phenomenon; detection of trafficking; and legal provisions of trafficking. The training is mandatory for all servicemembers, civilian employees and contractors who are to be deployed overseas. Later this year, it will become mandatory for all servicemembers. The Department is developing a separate training module for commands

about how to handle reports of trafficking.

The changes contained within the reauthorization of the Trafficking in Persons Act requires subsequent changes to Uniform Code of Military Justice and Manual for Courts-Martial beyond inclusion among the general articles to support charges of trafficking. In addition, combatant commanders should be supported by advocates specially trained to recognize trafficking in order to respond in a timely and appropriate manner.

Conclusion

Women who chose to serve and those who dream of service deserve a foundation of law and policy, an infrastructure of care and treatment and offender and system accountability. The loss of education, experience, training and expertise of the women who are victimized by sexual harassment, sexual assault, domestic violence, trafficking and stalking while serving on active duty is a sacrifice that our nation can no longer afford to make. The initiatives outlined above exceed the reestablishment of a zero tolerance policy and training as implemented by the Department of Defense and the services to date. The policies are intended to create policy and social change which ensures safety and justice for those who chose to wear the uniform of the United States.